

REMARKS

With the entry of the foregoing amendments, claims 1-2, 4-7 and 13 are pending in the application. New claim 13 is the same as original claim 3, which is now cancelled. Claim 13 is in line with the Examiner's comments concerning claim 3 that depended from claim 5.

In response to the restriction requirement, applicant has elected Group I (claims 1-7). Applicant has cancelled the non-elected Group II (claims 8-12) without prejudice and while preserving its right to file a divisional application.

In response to the drawing objection, applicant submits herewith a Replacement Sheet with corrected number 12 for the stator, as supported by the specification and other Figures. Applicant thanks the Examiner for noting this point. No new matter has been added.

In response to the specification and claim objections, applicant has amended the specification and claims in line with the Examiner's helpful comments, but without admitting that any such amendments were absolutely necessary. Applicant submits that the specification and claim amendments render all of the objections and Section 112 rejections moot.

Claims 1-3 stand rejected as allegedly being anticipated by Carre (USP 4,416,548). Applicant respectfully traverses the rejection for at least the following reasons.

The rejection states that the "Carre reference discloses a hollow tube inlet that is positioned inside of the rotor and stator assembly as depicted by Figure 2." This is incorrect. Figure 2 is a sectional view of the apparatus of Carre's Figure 1 taken along

section II-II thereof. Looking at Figure 1, one skilled in the art can see that section II-II is crossing the hollow tube outside of the rotor and stator. On this figure, it can clearly be seen that the hollow tube inlet is positioned completely outside of the rotor (ref. no. 2) and stator (ref. no. 8). This is directly contrary to the claimed invention.

This evidence is confirmed by the presence of a gap between the hollow tube inlet final part and the rotor, the gap further including (at least partially) vertical arrows. Those later ones reveal that a fluid is moving from the hollow tube inlet final part in a direction that is not within the rotor and the stator.

In summary, Carre discloses a device that has a hollow tube inlet which is designed to, at least partially, orientate a phase outside the rotor and the stator. Not only does this NOT disclose the claimed invention, but also it teaches away from the claimed invention.

Moreover, as a separate matter, the applicant's claimed hollow tube inlet is positioned in an extension of the axis of the rotor. More precisely, in applicant's invention, the complete hollow tube inlet is positioned along a straight line which is in the extension of the axis of the rotor.

Carre is not designed in this fashion. Indeed, in the Carre device, the most important part of the hollow tube inlet is oriented along a direction which is crossing obliquely the extension of the axis of the rotor. Stated another way, the Carre hollow tube inlet is not straight, but, instead, has a V shape. Such a configuration results in a different mixing of the phases and, ultimately, in different products than the claimed invention.

For at least the foregoing reasons, applicant requests the withdrawal of the rejection.

Claims 4-6 stand rejected as allegedly being obvious over Carre in view of Rasmussen (WO93/10665). Claims 4-6 depend from claim 1. Applicant requests the withdrawal of this rejection for the reasons noted above concerning claim 1. The foregoing facts and reasons clearly demonstrate that Carre does not disclose or suggest the invention of independent claim 1. Indeed, Carre teaches away from the claimed invention – thus, the secondary reference (Rasmussen) cannot overcome the deficiencies of Carre because Carre and Rasmussen could not be combined in any reasonably apparent fashion to arrive at the claimed invention (of independent claim 1 or any of its dependent claims) without destroying the design and objective of the primary reference – Carre. Moreover, no obviousness rejection has been lodged against independent claim 1, from which the rejected claims 4-6 depend. For all of these reasons, the rejection fails to present a prima facie case of obviousness. Accordingly, applicant requests the withdrawal of the rejection.

Claim 7 stands rejected as allegedly being obvious over Carre. Claim 7 depends from claim 1. Applicant requests the withdrawal of this rejection for the reasons noted above concerning claim 1. The foregoing facts and reasons clearly demonstrate that Carre does not disclose or suggest the invention of independent claim 1; thus, Carre cannot render obvious dependent claim 7. Indeed, Carre teaches away from the invention in claim 1. Moreover, no obviousness rejection has been lodged against independent claim 1, from which the rejected claim 7 depends. Because the rejection

CURDY et al
U.S. App. 10574003

fails to state a prima facie case of obviousness, applicant respectfully requests the withdrawal of the rejection.

In view of the foregoing amendments and remarks, applicant submits that the application is in condition for allowance and earnestly solicits a notice to that effect.

If the Examiner has any questions concerning this case, the undersigned may be contacted at 1-703-816-4009.

Respectfully submitted,
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